

DEPARTMENT OF SOCIAL SERVICES
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October 7, 1985

ALL-COUNTY LETTER NO. 85-100

TO: ALL-COUNTY WELFARE DIRECTORS
ALL COUNTY COUNSELS

SUBJECT: LIMITATIONS ON CWD REIMBURSEMENTS FOR CHILD WELFARE SERVICES
PROVIDED TO NON-RESIDING PARENTS

This All-County Letter (ACL) addresses a number of questions that resulted from ACL 84-60, regarding restrictions on reimbursing county welfare departments (CWDs) for Child Welfare Services (CWS) provided to non-custodial parents. The following is a more comprehensive policy statement on services to parents, both legal custodians and otherwise, which qualify for reimbursement from CWS funds.

ACL 84-60 responded to a specific question from the CWD and dealt narrowly with situations in which a parent did not have legal custody of a child as the result of a marriage dissolution custody order. As the result of discussions with counties, it is apparent that questions involving the issue of which parent has legal custody at the time of removal are only a small part of a larger problem. A more significant issue is whether CWD's can be reimbursed for CWS provided to the parent from whom the child was not separated as a result of abuse/neglect.

This ACL is organized into following sections:

1. Limitations on reimbursing CWD's for court ordered CWS provided to non-residing parents.
2. Limitations on reimbursing CWD's for voluntary CWS provided to non-residing parents.
3. Alternatives to providing CWS.
1. Limitations on Reimbursing CWD's for Court Ordered CWS Provided to Non-Residing Parents.

WIC Section 16507 requires that FR services be provided only to the parent(s) from whom the child was separated because of abuse, neglect or exploitation. The CWD will not be reimbursed for FR services provided to a parent from whom the child was not physically removed (non-residing) because of abuse/neglect. Therefore, in order to claim reimbursement for the provision of FR services, the Juvenile Court petition and subsequent court order which authorized removal

must name not only the parent from whom the child was physically removed (residing) but also the non-residing parent.

By "named in the petition" we mean that the Juvenile Court petition should contain the code section and subdivision under which the proceedings are brought for each parent (WIC Section 332). The CWD is required to notify each parent of the time and place of the detention hearing (WIC Section 311) and/or the time and place of the dispositional/jurisdictional hearing (WIC Section 337).

If the CWD cannot locate the parent(s), then their absence is one basis for naming them in the petition [WIC Section 300(a)]. There is no statutory authority for DSS to reimburse counties for court ordered FR and FM services provided to a parent not named in the petition and resulting dependency order.

If the non-residing parent has no history of abuse/neglect and is willing to take the child, it may be unnecessary to name the non-residing parent in the petition. If there are no allegations of abuse or neglect against the non-residing parent, the child could be released to the parent and the case closed. If the non-residing parent is unwilling to care for the child then the non-residing parent and the abusing parent should both be named in the petition.

CWD's are cautioned to be mindful that the maximum amount of time that can be claimed for reimbursement for FR services is 18 months per dependency [WIC Section 361(f)]. Specifically, in situations where both parents are named in the WIC Section 300 petition and both parents have received FR services but not concurrently, the maximum amount of time that the CWD can claim for reimbursement is 18 months cumulatively. For example, if the mother had already received 12 months of FR services when the father begins to receive them, reimbursement would be available for only an additional 6 months of services to either the mother or father, or to both if provided concurrently.

In summary, the CWD must allege instances of abuse, neglect or exploitation in the WIC Section 300 petition against all parents it intends to provide with CWS. Those parents must also be named in the subsequent court order which authorized removal as a precondition for CWS reimbursement for court ordered services.

2. Limitations on Reimbursing CWD's for Voluntary CWS Provided to Non-Residing Parents.

CWD's can be reimbursed for voluntary Family Maintenance (FM) services provided to either (residing or non-residing) parent provided that all the requirements in Manual of Policies and Procedures (MPP) Division 30-200 et seq are met. CWD's can be reimbursed for voluntary Family Reunification (FR) services provided to only the residing parent provided that all the requirements in MPP Division 30-300 et seq are met.

3. Alternatives to Providing Services

Change in Custody

If the non-residing parent is willing and able to take the child and has no history of abuse/neglect behavior there may be an opportunity to deal with the case on a family custody basis, thus eliminating the need to provide further CWS. When appropriate, CWD's should encourage the non-residing parent to seek a court custody order for the child. In addition, DSS has requested that the Judicial Council consider inclusion of guidelines in the rules of the court to help resolve questions related to change of court custody orders where such an option exists and would best serve the interest of the child.

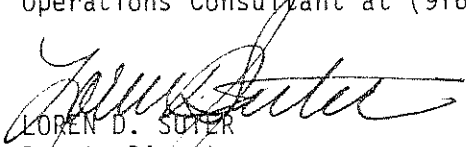
Referring the Non-Residing Parent to a Program Other than CWS

Admittedly, some non-residing parents may possess poor or marginal parenting skills for a variety of reasons, even though there is no history of child abuse/neglect perpetrated by these parents. Possession of marginal parenting skills in itself, however, is not a basis for providing FR or any other CWS.

Parents whose only shortcoming is a lack of parenting experience and who have not been named in the WIC Section 300 petition should be regarded as adequate parents requiring no CWS. As previously stated CWD's cannot be reimbursed for court ordered CWS provided to parents who have not been named in a WIC Section 300 petition. These parents may be able to benefit from other specifically designed, publicly subsidized voluntary child abuse prevention programs.

To resolve the problem of how to appropriately provide services to a non-residing parent who has no known history of abuse/neglect behavior and who is inexperienced or has poorly developed parenting skills, CWD's should refer the non-residing parent to other community based programs for services. For example, the State Office of Child Abuse Prevention (OCAP) has funded community based programs in many counties which can provide parenting skills training to parents who do not meet WIC criteria for CWS. When a social worker believes a non-residing parent would benefit from attending parent training or family life education programs (i.e., programs designed to prevent the occurrence of abuse/neglect) the social worker should refer that parent to such a program.

Please direct any questions on this topic to your Adult and Family Services Operations Consultant at (916) 445-0623.



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